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Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 14 June, at 10 a.m.

President: Mr. Morejón Pazmiño (Acting Vice-President) ..... (Ecuador)

Contents

Agenda item 5: Matters related to the implementation of the Convention (*continued*)

(a) General debate (*continued*)

(b) Round table discussions (*continued*):

(iii) Political participation and equal recognition before the law

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In the absence of Mr. Panayotov (Bulgaria), Mr. Morejón Pazmiño (Ecuador), Acting Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 5: Matters related to the implementation of the Convention (*continued*)

(a) General debate (*continued*)

1. **Mr. Aryobi** (Afghanistan) said that protracted conflict in Afghanistan had inflicted disability on Afghan citizens, many of whom had lost limbs from land mines and improvised explosive devices, while inadequate health care had resulted in many others suffering from impairments from birth and from preventable diseases such as polio. The conflict had also caused many to be affected by mental health problems, such as post-traumatic stress disorder. Moreover, the stigma attached to mental illness in Afghan society meant that persons with learning disabilities, who tended to be illiterate, unemployed and without access to health and education services, seldom received adequate attention. Women and girls living with disabilities faced double discrimination, due to their disability and their sex.

2. Advocating for the rights of persons with disabilities was a priority for his Government, which was focusing on mainstreaming disability into its public policies and programmes. It intended to conduct a comprehensive assessment of the needs of persons with disabilities, including rehabilitation, education, employment, vocational training, social integration and political participation; to identify the barriers, difficulties and stigmatization that they faced in day-to-day life; to provide strategic guidelines to eliminate those hindrances, including for women and girls; and to create a national disability strategy.

3. His Government had taken various legislative and policy actions to advance the rights of persons with disabilities. First, the Constitution promoted the integration of persons with disabilities into public life, prohibited all forms of discrimination, provided for financial assistance to persons with disabilities and guaranteed their active participation in, and reintegration into, society. Second, the National Policy for Persons with Disabilities, devised with input from multiple stakeholders including organizations of persons with disabilities, was designed to improve the living conditions of persons with disabilities, an aim also pursued by the National Priority Programme and the National Development Strategy. Third, the Law on the Rights and Privileges of Persons with Disabilities set down the relevant privileges and available facilities, and prohibited all forms of discrimination against all persons with disabilities.

4. His Government was committed to ensuring respect for the rights of persons with disabilities and providing them with entitlements. Afghanistan had held its first National Conference on Persons with Disability in October 2016 to raise awareness of disability issues and consolidate support from the international community for improving the lives of Afghans living with disabilities. The Government was currently developing the Afghanistan National Disability Action Plan, a five-year strategy for the implementation of policies that supported persons with disabilities. It was also working to make the school system inclusive, increase public health services to better serve persons with disabilities, and provide vocational training and employment opportunities for Afghans with disabilities.

5. **Ms. Jochelson** (United Kingdom), speaking on behalf of the Minister of State for Disabled People, Health and Work, said that the Minister was committed to creating a society that worked for everyone, where all were included and could participate fully. Building on the initial report of the United Kingdom on its implementation of the Convention (CRPD/C/GBR/1), which had been reviewed by the Committee on the Rights of Persons with Disabilities in 2017, her Government remained committed to delivering further improvements for persons with disabilities, including through international development work. To that end, it was setting up an interministerial group to drive coordinated action and strengthening links with organizations of persons with disabilities.

6. Her Government had recently set a target of helping 1 million more persons with disabilities into work over the next 10 years and had increased the Access to Work grant, which could pay for special equipment, adaptations or support worker services. Employers also played a major role. More than 6,500 had already signed up to Disability Confident, a scheme which helped them to recruit, retain and develop the talents of persons with disabilities. To support social inclusion and long-term employment, the Government was also working to ensure that persons with disabilities had the same access to transport as everyone else and would publish an inclusive transport strategy later in 2018.

7. The Government sought to make the most of the huge well of talent represented by persons with disabilities through a new fund to support candidates with disabilities to run in the 2019 local elections and through its investment in elite and community sport. The United Kingdom was committed to working with

international partners to further improve the lives of persons with disabilities, and would host the first-ever Global Disability Summit on 24 July 2018, in conjunction with the International Disability Alliance and the Government of Kenya.

8. **Mr. Kadiri** (Morocco) said that his Government had strengthened its national framework for the rights and freedoms of persons with disabilities by enacting a law to protect and empower persons with disabilities in line with the requirements of the Convention. Programmes on disability issues were being implemented in the Kingdom that would enable the full and effective participation of persons with disabilities. His Government was currently drafting implementing regulations for its framework law on protecting persons with disabilities and the forthcoming adoption of a national law on methods for evaluating disability would provide the basis for issuing identity cards that included disability status. The Government had also established a national committee to implement a 7 per cent quota for employees with disabilities in the public sector, a social fund to support persons with disabilities and facilitate their socioeconomic inclusion, and a national "accessible cities" programme that had begun with diagnostic studies undertaken by grass-roots organizations. Moroccan Sign Language had also been standardized to facilitate ease of communication and education for the hearing-impaired.

9. The political participation of persons with disabilities was of critical importance. During the 2015 local elections and the 2016 legislative elections, the Office of the Prime Minister had therefore trained elections officers how to facilitate access to polling stations for persons with disabilities. Morocco had also worked with various United Nations agencies to implement development programmes benefiting persons with disabilities. In its concluding observations on the initial report of Morocco (CRPD/C/MAR/CO/1), the Committee on the Rights of Persons with Disabilities had praised a number of positive developments, notably the inclusion in the new national Constitution of disability as one of the prohibited grounds of discrimination and the adoption of legislation in line with the Convention.

10. **Ms. Kalamwina** (Zambia) said that her Government's continuing commitment to promoting and protecting the rights of persons with disabilities was evident in the revised version of the Constitution, which now codified the right to education; access to the physical environment, information, public facilities and services; and integration into society. The Persons with Disabilities Act of 2012 provided for the mainstreaming of disability issues into national sustainable development policies and strategies, as well as incorporating gender perspectives. Under the Act, the National Trust Fund for Persons with Disabilities, a government-established fund to provide credit to persons with disabilities, had been retained. The Zambia Agency for Persons with Disabilities was the focal point for the implementation of the Convention.

11. Women and girls with disabilities were particularly vulnerable in Zambia, and usually lacked access to basic services, such as education, housing and health-care services. To promote education for all, the Government had put in place various programmes, under which disability-friendly schools were being built and teachers were being trained to meet the special needs of children with disabilities.

12. To alleviate extreme poverty and overcome food insecurity among vulnerable groups, particularly persons with disabilities, the Government had increased funding for social protection programmes designed to improve agricultural productivity, stimulate economic development in local communities, build resilience, encourage sustainable natural resource use and promote social inclusion. In the current budget cycle, it had doubled the funding for the social cash transfer scheme, which specifically targeted persons with disabilities.

13. **Mr. Elmajerbi** (Libya) said that while his country had been among the first States to sign the Convention, full ratification had been delayed due to the institutional cleavage in Libya, which had given rise to economic and security issues that had impeded many of the programmes and policies designed to benefit persons with disabilities. Nevertheless, the Government of National Accord had created a legal framework to implement the Convention which incorporated social protection for persons with disabilities. It had also created a plan to include persons with disabilities in elections and political life and to amend national legislation in line with article 29 of the Convention. The High National Elections Commission had created a unit to support the participation of persons with disabilities, a decision that had followed a Commission statement regarding political rights for all. Guidelines for political participation by persons with disabilities had been developed and meetings had been held between the Commission and representatives of organizations of persons with disabilities.

14. Libya resolved to take all appropriate measures to guarantee the rights of women and girls with disabilities, to bolster their participation in development and humanitarian activities and to facilitate the enjoyment of their rights and freedoms. Libya had also worked to strengthen legal and political frameworks,

with a view to reducing inequalities and preventing all forms of violence and exploitation, and was concerned with protecting the rights of children with disabilities. Persons with disabilities should be guaranteed a proper income and access to professional training, education and rehabilitation facilities. Guidance and assistance should be provided for persons with disabilities who planned to marry, and their right to marry and have families should be affirmed.

15. **Ms. Agarwal** (Observer for Samarthyam) said that women with disabilities experienced the combined disadvantages associated with gender and disability. Persistent cultural, social and physical barriers, and a lack of legal and institutional recourse, restricted the lives of more than 500 million women and girls with disabilities worldwide. They were treated as second-class citizens, with insurmountable barriers to their physical safety, mobility and dignity furthering their isolation and exclusion. Women and girls living in the global South were especially at risk of being excluded from education and employment programmes, health care and rehabilitation services, water, sanitation and hygiene services, cultural, recreational, sporting and leisure activities, and political life.

16. Disaggregation of data by disability, sex and age was fundamental to formulating evidence-based policy in favour of women and girls with disabilities. However, such data remained limited. At the ninth World Urban Forum, in February 2018, the United Nations Human Settlements Programme had acknowledged the fact that women and girls with disabilities faced discrimination and stigmatization throughout their lives due to a lack of enforcement of anti-discrimination laws in many countries. According to the United Nations, women with disabilities faced high rates of violence, yet rates of violence reporting and adjudication were low.

17. Activists around the world were making progress on the implementation of article 9 of the Convention, on accessibility. In India, her organization had used the Convention to push for local and national access codes, and had assisted in the implementation of the "Accessible India" campaign, through which activists sought to remove barriers to access to the physical environment, transportation, and information and communication technology, in both rural and urban areas. Global organizations focused on accessibility, like the Gates Foundation, were helping to shape a more inclusive future, but more could be done.

18. For full implementation of the Convention and the 2030 Agenda for Sustainable Development, it was critical to build disability-, age- and gender-responsive cities that were safe and accessible. States must earmark financial resources for accessibility. Timely action and follow-through from planning to implementation were needed. Women and girls with disabilities must be included in public decision-making bodies at all levels, and women with disabilities should be included in delegations to the Commission on the Status of Women. Implementation of article 9 of the Convention and achievement of Sustainable Development Goal 5, on women and girls, must be evaluated to ensure that no woman or girl with a disability was left behind because of a lack of accessibility. Empowered women must lead, share and build cities.

19. **Mr. Corporán** (Dominican Republic) said that his Government was committed to implementing the 2030 Agenda, and to that end it had established four subcommittees to address each of the 17 Sustainable Development Goals. The subcommittees were comprised of government agencies, private sector actors and civil society representatives, and benefited from technical support from the United Nations Development Programme. His Government had made major efforts to align its planning with national and international instruments, and the National Disability Council was coordinating the implementation of social inclusion policies at the central and local government levels, in addition to working with civil society and the private sector. As President Pro Tempore of the Central American Integration System, the Dominican Republic was working to establish a regional disability coordination body. Full implementation of the Convention would require not only building on the technical, cultural and political achievements of the past, but also handing over the leadership of disability action to the next generation.

20. **Ms. Alawadhi** (Kuwait) said that her country attached great importance to the inclusion of persons with disabilities in political life and was working to adapt its legislation so that persons with disabilities could vote in elections through secret ballot, with the use of relevant technology. The Kuwaiti parliament had formed a committee for persons with disabilities to serve as a forum for the discussion of disability-related issues and to monitor the implementation of the Convention and relevant national laws.

21. The Kuwaiti General Authority for Disability Affairs was responsible for realizing the Sustainable Development Goals in a number of areas, including sustainable health, quality education and decent employment, in conjunction with the private and public sectors, the international community and civil society. The Authority had implemented a number of projects in cooperation with the United Nations Development Programme and had established partnerships with civil

society to create programmes on inclusive hiring and workplace integration.

22. Under Kuwaiti law, government and national agencies with more than 50 Kuwaiti employees were required to reserve 4 per cent of all Kuwaiti-held positions for persons with disabilities. To create a conducive and accessible environment for persons with disabilities, Kuwait had published a building code and was in the process of developing a code governing accessible online content for persons with disabilities. The State was especially concerned with the situation of women with disabilities and, by law, afforded them specific privileges. National law also protected persons with disabilities by guaranteeing accountability and appropriate punishments for those who violated their rights. To that end, a special unit had been established to conduct investigations on such crimes and issue official reports.

23. **Mr. de Gaetano** (Malta) said that Malta had seen change and renewal in recent years. Discussions at the first review of his country's implementation of the Convention by the Committee on the Rights of Persons with Disabilities, scheduled for September 2018, were likely to focus on bringing national legislation into line with article 12 of the Convention, regarding equal recognition before the law. Malta intended to move away from substituted decision-making towards juridical equality, through the adoption of new legislation known as the Personal Autonomy Bill. However, legislation connected to article 12 was of little value without practical provisions, particularly to ensure the implementation of the article 19 principles on independent living and community inclusion. Hence, his Government had strengthened the national Personal Assistant Fund and Independent Community Living scheme, through a 5 million euro increase in funding to the disability sector, which had brought the total 2018 allocation for the sector to 20 million euros. The investment had also supported the Fair Society for All project, which focused on moving people out of institutions and into tailored community living situations. As transition planning was also key, the State was developing an initiative to further develop the skills of persons with disabilities and to facilitate their integration into the community.

24. Recent developments included the start of government discussions on the establishment of an independent living fund, plans to transform the national focal point for the Convention into the Office for Disability Issues, and, under the new Social Care Standards Authority Act of 2018, the creation of an oversight body for all entities and professionals involved in social care, including those operating in the disability sector. Furthermore, the national Autism Advisory Council had been launched on 2 April 2018, World Autism Awareness Day. Bringing together academics and representatives of key ministries, the national service provision agency, civil society and the independent monitoring mechanism for the Convention, the Council was tasked with drafting a national autism strategy within one year. The National Disability Strategy would be launched later in 2018, following extensive consultations.

25. In the field of education, the Government had drafted a new inclusion policy that would shortly be presented for public consultation. It was amending the Education Act to designate the Directorate for Quality and Standards in Education as an independent regulatory authority whose remit would include monitoring inclusion in the education sector. It was also working to make schools accessible for all, and had invested in the development of Maltese Sign Language courses.

26. Malta looked forward to its first voluntary national review before the high-level political forum on sustainable development, to take place later in 2018, and hoped to receive valuable feedback, including on its efforts to achieve the Sustainable Development Goals as they related to the rights of persons with disabilities.

27. **Ms. Hagrass** (Egypt) said that the President of Egypt had declared 2018 to be the "Year of Disability". In that context, a committee, headed by the Prime Minister, had been established to inform the public about the capabilities of persons with disabilities and their importance to society. A landmark law on the rights of persons with disabilities had also been drafted by parliamentarians with disabilities, with input from the National Council on Disability Affairs. The new law, which was more comprehensive and progressive than its predecessor, reflected the country's commitments under the Convention, addressed aspects of life connected to the rights and needs of persons with disabilities and was in line with the Egyptian strategy for implementing the 2030 Agenda.

28. The 2030 Agenda could only be implemented successfully by taking into consideration the rights and needs of persons with disabilities. Accordingly, the Ministry of Labour had opened training centres for persons with disabilities and had also begun coordinating with the Ministry of Commerce to train persons with disabilities to set up small businesses and microenterprises. Furthermore, the National Council on Disability Affairs, working in conjunction with the National Elections Authority and the Ministry of the Interior, had facilitated the participation of persons with

disabilities in the presidential elections held in March 2018. As a result, turnout had been significant among that group.

29. **Mr. McEwin** (Observer for the Australian Human Rights Commission) said that the Australian Disability Discrimination Act of 1992, the first federal legislation to recognize the rights of persons with disabilities, had been instrumental in social change in many areas of life over the last quarter-century and had been used by countless individuals to fight against discriminatory practices.

30. In 2017, he had spoken to more than 1,000 persons with disabilities across Australia about their lives, and had learned that there were still many issues affecting them. Among the most critical were housing and education: improving access to housing, and inclusive education, were vital to ensure that no one was left behind. Persons with disabilities should live wherever they liked and with whomever they liked, in accessible housing within communities. To that end, he was working with the Government, the private sector and community stakeholders to develop housing that would be accessible to all.

31. Persons with disabilities must also have access to quality education on an equal basis with others. He therefore spoke in schools and educational centres to raise awareness about the importance of inclusiveness in educational settings. He looked forward to continuing to work with the disability community, the Government and the wider community in Australia to ensure that persons with disabilities fully enjoyed their rights on an equal basis with other citizens.

32. **Ms. Knutsdottir** (Iceland) said that since her Government had become a signatory to the Convention in 2007 it had enacted legislation to strengthen protection of the rights of persons with disabilities, including Law No. 88/2011 on the Protection of the Rights of Persons with Disabilities, which defended the rights of persons with disabilities, prohibited the use of force or compulsion against them and protected their right to self-determination. Amendments to the Electoral Act in 2012 stipulated that voters with a physical disability were entitled to assistance from an electoral officer or other person of their choosing, while other amendments to the Legal Competence Act of 2015 established that disability could no longer be the sole grounds for the deprivation of legal competence.

33. The latest policy and action plan on persons with disabilities had been adopted in May 2017 by parliament, which had also recently passed new legislation to fully implement articles 1, 3, 19, 26 and 27 of the Convention. Those amendments pertained to the right to user-controlled services, the right to choose one's residence, the creation of user councils in municipalities and increased support for children and families. Parliament had also recently passed comprehensive anti-discrimination legislation to address multiple forms of discrimination in the labour market, including against persons with disabilities.

34. **Mr. Coulibaly** (Mali) said that reliable statistical data were essential in order for persons with disabilities to fully exercise their rights as such data shaped public policy, enabling the competent authorities to offer persons with disabilities services that matched their specific needs. An estimated one in nine people in Mali had some form of disability, which meant that virtually every family was affected, either directly or indirectly.

35. His country had taken specific steps to strengthen the legal protection of persons with disabilities, including by amending the relevant legal and institutional framework, promoting social integration and equal opportunities, and adapting public and private services to specific needs. In practical terms that translated into positive discrimination in the workplace, the coverage of costs for medical care and equipment and an increase in specialized schools and training centres, among other measures. The Strategic Plan for the Promotion of Persons with Disabilities 2015–2024, part of national efforts to implement the Convention, focused on such areas as health and rehabilitation, education, employment and decent work, and social protection. Under the Plan, priority was given to women and children with disabilities, who benefited from legal protection against exploitation, violence and mistreatment. The Government was also working with various civil society organizations, including the Malian Federation of Persons with Disabilities, in order to achieve the full participation of persons with disabilities without discrimination.

36. **Ms. Badio Dennis** (Liberia) said that her country's dedication to improving the lives of persons with disabilities had not wavered following the recent transition of power. In collaboration with development partners, her Government had established the National Commission on Disabilities, an autonomous agency tasked with ensuring the general welfare and well-being of persons with disabilities. Furthermore, the Government had designed a social welfare component to address the needs of persons with disabilities within the Ministry of Gender, Children and Social Protection. To that end, it had also developed a social protection plan and had created a network comprised of government ministries and agencies, organizations of persons with disabilities and persons with disabilities.

37. Despite such progress, however, many challenges remained. In order to leave no one behind, Liberia would need better demographic data. Affordable assistive tools and devices must therefore be available to those who needed them and the United Nations and other development partners should continue to provide her Government with the requisite technical and financial support.

38. Her Government intended to develop a five-year national action plan on disability, following consultations with persons with disabilities and other stakeholders, and the initial report of Liberia on its implementation of the Convention would shortly be submitted to the Committee on the Rights of Persons with Disability. In the meantime, the capacity of schools and institutions for the blind was being enhanced, and the adoption of a mental health policy would bring much needed attention to mental health issues.

39. **Ms. Neagoe** (Romania) said that Romania had continued to work towards meeting its commitments to improve the quality of life of persons with disabilities and ensure respect for their fundamental rights and freedoms. Integration of disability issues into national policies on education, health and employment, to ensure the participation of persons with disabilities in society, had been a long-standing concern. However, many challenges remained: differences in development between urban and rural areas meant that persons with disabilities in rural areas had less access to education, health care and other public services. A lack of accessibility in the physical environment prevented persons with disabilities from fully participating in community life. Implementing the Convention was a continuous process, and her Government appreciated the opportunity provided by the Conference to exchange experiences and best practices. It continued to promote inclusive education and employment, access to goods and services, and specific support measures, including those related to enhanced legal capacity and increased the political participation.

40. **Mr. Boberg** (Observer for the P3 Foundation) said that climate change directly and disproportionately affected persons with disabilities, yet they were being left out of the relevant discussions. As per articles 9, 11 and 29 of the Convention, persons with disabilities must be included in a meaningful way in the Conferences of the Parties to the United Nations Framework Convention on Climate Change. In 2009, the Global Partnership for Disability and Development and the World Bank had published a report on the impact of climate change on persons with disabilities, in which they had recommended that any new treaties under the Framework Convention on Climate Change umbrella ensure compliance with existing human rights frameworks, including the Convention on the Rights of Persons with Disabilities. Nine years later, 2018 was the last rulebook year for the Paris Agreement, and persons with disabilities must have their voices heard. A "Persons with Disabilities Climate Change Action Plan" was needed at the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

41. There was no direct or guaranteed pathway for persons with disabilities to access the funds they needed for adaptation, mitigation and — crucially — migration. Climate migration was already happening, and persons with disabilities were literally being left behind, particularly in the Pacific and the global South. The Framework Convention process must therefore incorporate dedicated mechanisms that recognized persons with disabilities as stakeholders. With such mechanisms, and with support from the Committee on the Rights of Persons with Disabilities and associated parties, persons with disabilities would have the solutions they needed to fight climate change. Unless persons with disabilities participated at the highest level in all United Nations process, climate change would leave all of them behind.

42. **Mr. Menze** (Observer for the International Labour Organization (ILO)) said that his organization set international labour standards and developed policies and programmes to promote decent work and social protection for all, including persons with disabilities. Based on lessons learned from its Disability Inclusion Strategy 2014–2017, ILO was developing an organization-wide successor strategy, to sustain the achievements thus far and further promote the inclusion of persons with disabilities in its work.

43. The ILO Global Business and Disability Network aimed to promote quality employment for persons with disabilities in private companies, especially in developing countries. One aspect of that work was establishing national business networks on disability inclusion, as platforms for business-to-business exchange. ILO had been supporting the launch and sustainability of networks in such countries as Bangladesh, Egypt, Ethiopia, Indonesia and Peru, and aimed to establish new networks in China and India later in 2018. ILO and the United Nations Global Compact had also collaborated on disability inclusion in the private sector, and had recently jointly launched a guide for business on disability rights.

44. ILO supported trade unions in promoting and protecting the rights of persons with disabilities by facilitating the exchange of good practices among

workers' organizations and providing technical assistance; the previous day ILO had co-hosted a side event on trade unions' disability inclusion work.

45. The 2030 Agenda called on Member States to measure their progress towards the Sustainable Development Goals, including Goal 8 on decent work, using data that was disaggregated, including by disability status. In conjunction with the Washington Group on Disability Statistics, ILO was developing a labour force survey module that would enable countries to better design their labour market interventions from a disability rights point of view.

46. ILO and 15 partner organizations had endorsed a joint statement on how to make social protection systems inclusive of persons with disabilities. ILO provided technical advice on the development and implementation of social protection systems that ensured an adequate standard of living for persons with disabilities, as well as benefits and services designed to support their labour market participation.

47. *The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.*

(b) Round table discussions (*continued*)

(iii) Political participation and equal recognition before the law

48. *Mr. Torres (Ecuador), Acting Vice-President, and Ms. Laurin-Bowie (civil society) presided as Co-Chairs.*

49. **Mr. Torres** (Ecuador), Co-Chair, said that political participation was an integral human right, and effective participation in political and public spheres was crucial to democracy and good governance. The political participation of persons with disabilities allowed them to contribute positively to public policy development, which was critical to both the Convention and the 2030 Agenda. Although the right to participate in political and public affairs was established in a range of international norms, numerous barriers continued to prevent persons with disabilities from fully enjoying that right. The current round table was an opportunity to discuss some of the key difficulties facing persons with disabilities in that context, and to explore ways to overcome existing challenges.

50. *A short video message, given by Mr. Lenín Moreno Garcés, President of the Republic of Ecuador and former Special Envoy of the Secretary-General on Disability and Accessibility, was shown.*

51. **Ms. Laurin-Bowie** (civil society), Co-Chair, said that the panellists should bear the following five questions in mind when making their presentations. Firstly, what barriers in national legal systems might negatively affect the exercise of the political rights of persons with disabilities? Secondly, what could be done by Governments to promote supported decision-making for persons with disabilities to enable them to exercise their political rights? Thirdly, what measures did States parties need to take to increase the political participation of persons with disabilities, including to present themselves as candidates and to be elected to office? Fourthly, were there specific measures, including affirmative action, such as the establishment of quotas, that had increased the participation of persons with disabilities in political life, including in holding office and participating in public affairs? And, lastly, what examples of good practice existed regarding the removal of physical, information and communication barriers to enable persons with disabilities to exercise their political rights?

52. **Mr. Muniz** (Vice-Minister for Human Rights, Brazil), panellist, said that the Constitution of Brazil included citizenship and the dignity of the human person as fundamental rights, and the 1988 Constitution provided that persons were equal before the law, without distinction. With regard to political rights, the Constitution had established universal suffrage by direct and secret ballot, with all votes carrying equal weight. Only foreigners and those completing their compulsory military service were ineligible to vote, and only those two categories, and illiterate persons, were ineligible for public office. Thus, there were no legal barriers to the candidacy or election of persons with disabilities to public office.

53. Following the adoption of the Inclusion of Persons with Disabilities Act in 2015, supported decision-making had replaced the former model in which responsible adults had been designated to make decisions for individuals declared "legally incapable". That revolutionary change also applied to persons with mental disorders. The chapter of the law dedicated to participation in political and public life stipulated that political powers must guarantee persons with disabilities the same rights, and the same opportunities to exercise them, as everyone else. Persons with disabilities in Brazil had the right to vote and to be voted for. In order to guarantee that right, the State ensured that procedures, facilities, materials and voting equipment were accessible to all, and easy to understand and use. The establishment of special areas for persons with disabilities was also prohibited. Other legal provisions related to political participation included a requirement for the State to encourage persons with disabilities to apply for and perform all public functions at all levels of government, including with the support

of new assistive technologies, and the requirement to provide subtitles and audio descriptions to accompany official pronouncements, political advertisements and political debates.

54. Brazil had developed a model of social participation which involved collegial bodies, comprising representatives of both civil society and the State, to monitor and evaluate the development of public policies. The National Council for the Rights of Persons with Disabilities, linked to the Ministry of Human Rights, had been established in 2009 to ensure that persons with disabilities had an institutional space where they could participate directly in the process of defining, planning, evaluating and monitoring public policies related to disability issues. In 2016 Brazil had held its fourth National Conference on the Rights of Persons with Disabilities, which had brought together 7,000 participants to discuss the development of human rights-related policies and actions.

55. **Mr. Gitonga** (United Disabled Persons of Kenya), panellist, said that persons with disabilities attempting to participate in the political process as voters, candidates and members of observer missions often had their rights in that regard denied. In Kenya, for example, persons with disabilities faced inaccessible polling stations, communication barriers and refusals by polling station officers to adhere to the laws. One reason that Kenyans had chosen a decentralized system of Government was that marginalized communities had felt excluded under a more centralized system. Decentralization of resources and services provided greater opportunities for the inclusion of persons with disabilities.

56. The Kenyan Constitution stated that persons with disabilities must be treated with dignity and have reasonable access to public places. However, public transport and schools with polling stations remained difficult to access and there were still no tactile balloting procedures in place for persons with visual impairments. While the Constitution stated that 5 per cent of all members of elected and appointed bodies must be reserved for persons with disabilities, the laws to realize that principle had never been adopted. Furthermore, the existing quota system had led to the overrepresentation of persons with physical and visible disabilities, while those with psychosocial and intellectual disabilities and the hearing impaired were underrepresented. Certain groups continued to be left behind and the gap was widening.

57. Various actors, including political parties, had fallen short in their compliance with legal provisions and some laws even denied persons with disabilities the right to exercise their legal capacity on an equal basis with others. For example, article 83 of the Kenyan Constitution stated that persons were qualified to register as voters in elections or referenda if they had not been declared to be of unsound mind. In the 2017 general elections, cases had been reported of polling officers using that provision as a pretext to prevent people from voting.

58. However, Kenya had also seen recent signs of progress: over 20 individuals with disabilities had run for competitive political positions in the 2017 elections, including a visually impaired person, a person with albinism and a person in a wheelchair; pilot projects had been launched to implement article 12 of the Convention relating to the exercise of legal capacity; regulations had been developed that promoted new concepts of inclusion, such as supported voting; accessible voter education materials had been designed in collaboration with organizations of persons with disabilities; and women-led organizations were promoting the participation of women with disabilities in policymaking and in election observation exercises.

59. Nevertheless, discriminatory laws must be repealed. In particular, measures were needed to curb political violence, which had hindered the full participation of persons with disabilities; disaggregated data on the implementation of the quota system were required to ascertain how many persons with disabilities benefited from the inclusive policy framework; and funding must be provided to organizations of persons with psychosocial and intellectual disabilities in order to make the paradigm shift towards supported decision-making.

60. **Mr. Jia** Yong (China Disabled Persons' Federation), panellist, said that political rights lay at the core of all rights of persons with disabilities. China had always upheld the Convention and had assigned top priority to safeguarding the political rights of persons with disabilities in all disability-related endeavours. The national Constitution stated that all citizens over the age of 18 had the right to vote and stand for election, irrespective of such factors as ethnicity, race, gender, occupation or religious belief. The law on the protection of persons with disabilities prohibited discrimination and stipulated that they must enjoy the same political rights as others.

61. Under Chinese law, accessible facilities were provided to persons with disabilities. The regulations on the construction of a barrier-free environment clearly stipulated that institutions responsible for overseeing elections must facilitate the participation of persons with disabilities and that visually impaired persons must

be provided with ballot papers in braille. Many provinces had set minimum quotas for candidates with disabilities in their elections. Over 5,000 persons with disabilities had been elected as delegates to the National People's Congress or as members of the Chinese People's Political Consultative Conference, including persons with mental disabilities and hearing-impaired persons. Live television broadcasts of the recent session of the Chinese parliament had featured sign language interpretation in the Great Hall where the sessions were held and closed captioning on a screen. Sign language interpreters were seated next to hearing-impaired delegates.

62. China attached great importance to the participation of persons with disabilities in public affairs and government agencies always solicited their views when preparing policies that affected them. Laws stipulated that government departments should maintain an employment quota of no less than 1.5 per cent of all positions for persons with disabilities, and sanctions were applied to departments that failed to meet the target. Local governments held examinations for the recruitment of persons with disabilities in order to meet the civil service recruitment quotas. Despite the challenges involved in ensuring that persons with disabilities were fully able to exercise their political rights, the Chinese Government stood ready to cooperate with other countries under the framework of the Convention to foster an enabling environment for them.

63. **Ms. Judes** (Beit Issie Shapiro, Israel), panellist, said that achieving broad social change entailed developing innovative solutions to unmet needs and influencing societal attitudes and legislation. From that perspective, civil society organizations had employed two major strategies to increase the participation of persons with disabilities in political discourse. The first strategy was to create broad-based partnerships among civil society organizations that could participate in the decision-making process. For example, the first coalition established by her organization had dealt with the issue of early intervention, and had included 60 non-governmental organizations and other organizations. The organizations involved had found that they had more power to influence political decisions when they worked together. The coalition's work had led to the adoption of nine laws and regulations in the area of early intervention. The second coalition had worked together on issues related to the implementation of the Convention and had recently written a report focusing on housing, guardianship and the right to family.

64. The second strategy to increase political participation was to develop self-advocacy skills among disability groups that normally did not have a voice in public affairs. Together with another organization, Beit Issie Shapiro had helped to develop 11 self-advocacy groups throughout Israel for persons with intellectual disabilities. They had set up a national council of self-advocates with intellectual disabilities, and that group had had a significant influence on policy. The national group had recently gone to the Knesset and had demanded to be part of the discussion on the guardianship law. Initially, Israeli parliamentarians had not wanted to let them participate, but the group had insisted and was now an integral part of those discussions because parliamentarians had come to recognize the value of their perspective on the implications of laws for persons with intellectual disabilities.

65. **Ms. Devandas Aguilar** (Special Rapporteur on the rights of persons with disabilities), panellist, said that political participation was firmly rooted in international law and had been codified as a principle and a human right in many international and regional human rights instruments. The Convention established a broad understanding of such participation, based on a framework composed of specific rights such as the right to vote and to be elected to office, the right to access public services and the right to participate in the management of public affairs.

66. The right to vote and to be elected should be afforded to persons with disabilities under the same conditions as everyone else; no-one's political rights should be restricted, in legislation or practice, on the grounds of disability. However, the denial or limitation of legal capability was, in reality, a major barrier to the exercise of the political rights of persons with disabilities, in particular their right to vote. Persons with disabilities were often deprived of the right to vote and to be elected, and some countries had even established ad hoc procedures to determine people's capability to exercise their political rights. Further, the institutionalization or forced placement of persons with disabilities in psychiatric establishments, prohibited under international law, frequently deprived them of the real possibility of exercising their right to vote.

67. Equal recognition before the law was essential, otherwise concepts such as liberty, equality, participation and inclusion were meaningless. Under the Convention, all persons with disabilities had the right to recognition everywhere as persons before the law and enjoyed legal capacity on an equal basis with others. States must therefore ensure that persons with disabilities could exercise their legally capacity in political and public life, including by recognizing,

without restrictions, their right to vote and to be elected under equal conditions. That was democracy for all.

68. Inaccessible polling stations were another enormous obstacle to the political participation of persons with disabilities. Although numerous countries were investing significant resources in the development of electronic voting systems, not all of them were considering accessibility for voters with disabilities, thereby missing a valuable opportunity to improve the accessibility of electoral procedures.

69. Other human rights and fundamental freedoms contributed significantly to the political participation of persons with disabilities, such as the right to freedom of expression and the right to freedom of association and peaceful assembly. Those rights enabled persons with disabilities and their organizations to initiate change in a peaceful and legitimate way through democratic processes. It was the responsibility of all States to respect and protect their exercise of those rights.

70. Persons with disabilities had the right to participate in decisions that affected their lives, including decisions concerning their rights. Participation in political and public life allowed persons with disabilities to play a central role in their own development, and that of their communities. Greater political participation of persons with disabilities was the best way to ensure their inclusion.

71. **Ms. Damayanti** (Indonesian Mental Health Association), panellist, said that the most marginalized persons in society were those with psychosocial disabilities, who faced great challenges to the exercise of their rights as persons with legal capacity. In Indonesia, many thousands of persons with psychosocial disabilities were locked up in prison-like detention centres and were only allowed to leave the institutions permanently with clearance from a psychiatrist, even in cases where they had ceased to show symptoms. In Jakarta, 3,000 persons with psychosocial disabilities were housed in substandard facilities. Throughout the country, a person with a psychosocial disability who applied for a job in the public or private sectors first had to submit a letter of clearance from a psychiatrist.

72. Frequently, persons with psychosocial disabilities were not allowed to manage property, and, in cases where they inherited property, their rights could be challenged in court by siblings or other family. In some countries persons with psychosocial disabilities were not able to form associations and their status also interfered with the right to marry or bear and raise children. A lack of legal capacity could therefore affect all areas of life, including exclusion from the political process. Indeed, the regional election laws of Indonesia stipulated that persons of "unsound mind" could not be registered as voters. In some cases, Indonesians with psychosocial disabilities did not possess identification cards that proved they were citizens, a denial of their basic right to be recognized by the State.

73. Persons with psychosocial disabilities were often too intimidated to demand their right to stand as candidates in elections, and judges in constitutional courts had even deemed their requests to vote as bizarre. Persons with psychosocial disabilities were frustrated by how their lives were constrained and dictated by others. Psychiatrists were gatekeepers, and their approval was needed before taking a job, leaving a mental institution or gaining custody of one's child. Legal capacity laws must be repealed in order to guarantee the rights of persons with psychosocial disabilities, and mental health laws and disability legislation that restricted their rights must be changed.

74. **Ms. Favela Herrera** (Mexico) said that the general election to be held in Mexico on 1 July 2018 would be the most inclusive ever: 7 million persons with disabilities would be guaranteed the right to vote, and would also have the opportunity to volunteer at polling stations and act as electoral observers. In addition to organizing the elections, the National Electoral Institute was working to make sure that no one was left behind. It would install 157,000 polling stations across the country, and each would be equipped for voters with disabilities. Facilities would include braille voting cards for each election, ballot boxes with braille labels, adjustable screens that would ensure privacy for voters in wheelchairs and persons of short stature, forms to register voters with different types of disabilities and identity cards for persons who required special assistance to access polling stations. Furthermore, ramps would be installed at polling stations and, for the first time, public hospitals would be used as polling stations to enable hospitalized patients to vote. The National Electoral Institute was also working to ensure that the information it disseminated was accessible, including on its website, and the three live presidential debates had been broadcast in Mexican Sign Language.

75. All the advances described had been possible thanks to support from Mexican civil society organizations, which provided guidance to the National Electoral Institute on how best to address the needs of persons with disabilities, in keeping with the principle "nothing about us without us". The National Electoral Institute was an inclusive organization, and would continue to work with organizations that supported persons with disabilities to increase their political participation.

76. **Mr. Schettino** (Italy) said that his Government assigned critical importance to the equal rights of persons with disabilities to political participation, including universal accessibility and both active and passive electoral rights, and encouraged the continued growth of civil society activity in that area. A new ministry established specifically to focus on family and disabilities would mainstream disability issues throughout Italian society. He asked the panellists how a dedicated minister for disability affairs could contribute towards fostering the political rights of persons with disabilities.

77. In 2016, Italy had introduced to the Committee the idea of tackling the issue of mental and intellectual disability from a human rights perspective rather than a medical perspective. In 1978, the landmark Basaglia Law had led to the closing of psychiatric hospitals with a view to empowering persons with disabilities by reintegrating them into society. He asked the panellists to share some best practices that would help persons with mental and intellectual disabilities overcome the obstacles they faced.

78. **Ms. Minkowitz** (Observer for the Center for the Human Rights of Users and Survivors of Psychiatry), speaking also on behalf of the World Network of Users and Survivors of Psychiatry, said that voting, standing for election and other forms of political participation were important for persons with psychosocial disabilities so that they could not only advocate for their equality before the law, but also argue against forced institutionalization and legal incapacitation. Such violations stood in the way of their exercise of the right to vote and run for elections. Many persons with psychosocial disabilities were institutionalized and thus excluded from the political process while others were under guardianship or faced similar restrictions. In order to advocate for themselves, persons with psychosocial disabilities needed to disclose that identity, but doing so placed them at risk of retaliatory measures such as discriminatory detention or institutionalization.

79. Although persons who were open about their psychosocial disabilities occasionally served as elected officials, the notion that being of "unsound mind" was a disqualification for positions of responsibility made it difficult for them to reveal their disabilities. That was especially true in the case of individuals who refused psychiatric medications or advocated for the abolition of forced interventions. Stigma was greatest when persons with psychosocial disabilities rejected the medical model and its attempt to make them "normal". Integration was not inclusion and as long as social acceptance was conditional on normalization, persons with psychosocial disabilities would remain on the margins, unable to effectively influence political will.

80. **Mr. Kosa** (Hungary) said that he was a politician with a disability, currently serving his second term as a member of the European Parliament. In 2012, he had been part of the team that had developed the new electoral procedure law in Hungary. The law stated that persons with disabilities could request assistance in exercising their right to vote, and could request notification of elections in braille transcriptions or in simplified language formats. Visually impaired persons could use a braille ballot template at the polling station or during mobile voting, and all electoral districts must have at least one accessible polling station. All voters were entitled to assistance in applying for a mobile ballot box or in travelling to the polling station. Hungary had an increasing number of politicians with disabilities, and the same was true for the European Parliament. All States parties should therefore develop a more accessible voting system and all political parties should offer more opportunities to persons with disabilities to stand for election. It was hoped that more politicians with disabilities would win seats at the next elections to the European Parliament in 2019 so that they could work effectively for their communities.

81. **Mr. Chahri** (Morocco), speaking as a youth delegate, said that voting, running for office and joining a political party were all elements of political life that remained out of reach for persons with disabilities around the word, particularly for young persons with disabilities. However, their political participation was essential for society to be truly inclusive. Inclusive societies must heed the voices of the younger generations, in particular through elections, and independent living for all was not a realistic objective while the decisions concerning persons with disabilities remained out of their hands. For a young person with a disability, participation in politics was not a luxury or privilege, it was a basic prerequisite for autonomy. It was a way to make society recognize his or her citizenship, shape his or her own life and be heard. He asked the panellists to what extent it was possible to further include youth delegates in such conferences as the present one, in order to ensure that their voices were heard, and how accessibility could be guaranteed for young persons with disabilities in developing countries with very limited resources.

82. **Ms. Warzazi** (Morocco), speaking as a youth delegate, said that article 6 of the Convention required States to take measures to ensure that women and girls with disabilities fully enjoyed all human rights and fundamental freedoms. Women with disabilities suffered double discrimination, making it very difficult

for them to participate in political life. They faced numerous problems, including underrepresentation in decision-making processes. To address their underrepresentation, States must ensure that polling stations were accessible, and that there was gender parity among candidates for elected office. She asked the panellists what interventions would best support the political participation of women with disabilities.

83. **Mr. Muniz** (Vice-Minister for Human Rights, Brazil), welcoming the establishment by the Italian Government of a specific ministry that would allow for the planning and monitoring of disability-related policies, said that the parliament of his country had made important progress in ensuring the inclusion of persons with disabilities in the political process, including through the introduction of a fully accessible electronic voting system. The Brazilian law for the inclusion of persons with disabilities, for example, had established the right to vote and to stand for election, and stipulated that facilities and equipment at polling stations must be fully accessible. Furthermore, persons with disabilities could participate in all levels of Government, and could request technical or human assistance if necessary. Such new practices could be applied anywhere in the world.

84. **Mr. Gitonga** (United Disabled Persons of Kenya) said that while inclusive laws and policies were important, they must be accompanied by relevant programmes and sufficient budgets for their implementation.

85. **Mr. Jia** Yong (China Disabled Persons' Federation) said that the Chinese Government fully respected the equality of persons with disabilities before the law and respected their decision-making power. The Chinese law on the protection of persons with disabilities provided for the renovation of facilities and the provision of equipment to support their participation in the political process. With respect to education, persons with disabilities enjoyed full rights. Elections in China were accessible in order to ensure that persons with disabilities had full rights.

86. **Ms. Devandas Aguilar** (Special Rapporteur on the Rights of Persons with Disabilities) said that the establishment of a focal point for disability issues at the ministerial level was an example of best practice. In particular, such focal points should take responsibility for mainstreaming disability issues. Ensuring the full participation and legal capacity of persons with mental disabilities must be discussed against the backdrop of the Convention, and legislation and practice must be revised to prohibit all coercion and unwanted interventions with regard to persons with psychosocial disabilities. The establishment of fully accessible structures would take time but reasonable adjustments to improve political participation could nevertheless be made in the short term. The necessary resources should therefore be allocated towards that end.

87. **Ms. Judes** (Beit Issie Shapiro, Israel) said that because elections were held only once every four years in her country, they were a minor component of political participation and efforts should be made to ensure that persons with disabilities were involved in the political process at all other times. In Israel, a major challenge involved transmitting skills and knowledge to young leaders so that they could influence political processes and policymaking. Collaboration among the various organizations of persons with disabilities was also an issue that required attention, as such groups needed to ascertain how to exert political influence as a bloc despite their disparate interests. Israel did not have a ministry dedicated to disability issues, but did have a commissioner for the rights of persons with disabilities who had invited a representative selection of persons with disabilities to serve on the commission.

88. **Ms. Damayanti** (Indonesian Mental Health Association) said that it was important for persons with psychosocial disabilities to have a voice. Article 4, paragraph 3, of the Convention provided that States parties should closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations. However, that prescription was not followed when it came to persons with psychosocial disabilities, because psychiatrists were seen as the sole authorities in their situations. That needed to change. Moreover, the antiquated medical model for dealing with persons with psychosocial disabilities must be replaced with a human rights model.

89. **Mr. Clarke** (Observer for Down Syndrome International) said that persons with disabilities could not fully and effectively participate in society unless they were properly included in political life on an equal footing with other citizens. All members of a democratic society should have the opportunity to be heard and to shape the policies and decisions affecting their lives. Down Syndrome International, which worked to help persons with Down Syndrome participate in elections and political life, focused on access to information in suitable formats to enable its members to participate in elections. As a 2014 report by the European Union stated, persons with disabilities were more likely to become active citizens when they were given the opportunity to do so. Persons with disabilities, including persons with Down Syndrome, remained largely invisible in the political process. They faced a number

of obstacles to participating in elections, including inaccessibility of information. States parties should ensure that political information and programmes were published in formats that were easy to read and understand. In addition, persons with disabilities should be encouraged to appear in the media to debate political issues.

90. **Ms. Porrero** (European Union) said that elections in the European Union were conducted in accordance with the highest democratic standards. Every citizen of the Union had the right to vote and to stand as a candidate at elections to the European Parliament and at municipal elections. Although the European Union had no general powers on the practical organization of elections in its member States, it could support national policies to promote equality in that sphere. In view of the upcoming elections to the European Parliament, the European Union aimed to promote best practices, notably exercise of the rights of the most underrepresented groups such as persons with disabilities. To that end, the European Union had organized an event in 2018 on electoral matters with the active participation of persons with disabilities and their representative organizations, where participants had discussed engagement in pre-election campaigns, access to information and measures to support participation by persons with disabilities. Good practices to improve political participation included dedicated campaigns to fund and mentor candidates with disabilities, accessible polling stations, remote voting and changes in the law regarding legal capacity. Furthermore, recent legislative measures on accessibility, such as the directive on the accessibility of public sector websites, would help improve access to information and promote accessible digital voting tools for the future. Although data showed that persons with disabilities actively participated in political processes when given the opportunity, challenges to equal participation remained, such as legal obstacles, a lack of accessibility and a lack of awareness regarding the right to participate.

91. **Mr. Al Harbi** (Saudi Arabia) said that all Saudi Arabian laws and judicial processes were based on equality of persons and non-discrimination and were in line with the Convention. No Saudi Arabian legislation directly or indirectly contained provisions that discriminated against persons with disabilities. Saudi Arabia granted the opportunity to every citizen, including persons with disabilities, to participate in political life. In Saudi Arabia, several councils offered opportunities for persons to participate in public and political life, either through appointments or elections. Candidates for executive positions were chosen on the basis of their qualifications. The position of State Mufti, which was one of the highest positions in the country, had been held by three visually impaired persons over the course of consecutive terms, and the Council of Senior Scholars had likewise included members who were visually impaired. The Shura Council, the Saudi Arabian Human Rights Commission and multiple Saudi Arabian municipal governments all had members who were persons with disabilities. The State judiciary was independent and guaranteed equal rights for all in a manner consistent with the Convention. The website of the Ministry of Justice stated that all citizens and residents had the right of recourse to the law and to respectful treatment from others, regardless of race or religion. It also stated that women and persons with disabilities had priority with respect to judicial proceedings.

92. **Mr. Morgan** (Observer for Leprosy Mission International) said that the critical rights of political participation and equal recognition before the law were denied in the case of persons with leprosy-related disabilities. Over 3 million persons worldwide lived with a leprosy-related disability, and they were one of the few groups that faced legal discrimination in many countries, as they were denied the right to political participation and equal recognition before the law. In India, for example, 119 discriminatory laws denied persons with leprosy the rights guaranteed under the Convention and the Supreme Court of India had directed state governments to repeal them. Judicial intervention through public interest litigation was a good practice for ensuring rights to political participation. The Committee on the Rights of Persons with Disabilities should consider asking leprosy-burdened countries to report on the steps taken to implement the principles formulated by the Human Rights Council Advisory Committee for the elimination of discrimination against persons affected by leprosy.

93. **Mr. Torres** (Ecuador), Co-Chair, said that Governments should ensure equal conditions so that all persons with disabilities were able to participate in political life. It was important to view disability through a human rights lens, and not as a health issue since that perspective was often used as a pretext to deny political rights to persons with disabilities. The Committee on the Rights of Persons with Disabilities could learn important lessons from the Conference: it should ensure that gender, regional representation and disability were all taken into consideration when electing its members.

The meeting rose at 1 p.m.